

# State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

**PRIORITY DATE**  
7/14/1999

**WATER RIGHT NUMBER**  
S3-30220

**MAILING ADDRESS**  
Ms. Cynthia Ream  
PO Box 87  
Colville WA 99114

**SITE ADDRESS (IF DIFFERENT)**  
3281C DEEP LAKE BOUNDARY ROAD  
COLVILLE WA 99114

## Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.5

## Purpose

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Domestic supply (includes garden)	0.02		CFS	0.5		01/01 - 12/31

## Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
STEVENS	MCKINNON CREEK	NORTH FORK DEEP CREEK	61-UPPER LAKE ROOSEVELT

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
MCKINNON CREEK	5668000		39N	41E	11	NWNW	48.90699	117.60237

Datum: NAD83/WGS84

## Place of Use (See Attached Map)

**PARCELS (NOT LISTED FOR SERVICE AREAS)**

5668000

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, T. 39 N., R. 41 E.W.M.

## Proposed Works

REPORT OF EXAMINATION

2 inch PVC gravity feed to residence

#### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	October 1, 2015	October 1, 2016

#### Measurement of Water Use

How often must water use be measured?	monthly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

#### Provisions

##### Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

##### Department of Fish and Wildlife Requirement(s)

No dam or weir shall be constructed in connection with this diversion.

This authorization may be subject to Washington Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.

If it is determined a screen is required, the intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria.

<http://wdfw.wa.gov/about/contact/>

##### Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Proof of Appropriation**

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include as appropriate contracting with a Certified Water Right Examiner to confirm the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-30220, subject to existing rights and the provisions specified above.

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.



Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 8th day of January, 2015.



Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

## BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30220.

### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Statesman Examiner on September 20 and 27, 2000 and no protests were received.

### *Consultation with the Department of Fish and Wildlife*

RCW 90.03.280 requires the Department to send notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. The Department of Fish and Wildlife provided written comments on December 4, 2000 and November 15, 2001. These comments will be addressed later in the report.

### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

## **INVESTIGATION**

A site visit was conducted July 28, 2014. The applicant was present. The applicant has constructed a small residence and outbuildings and a small garden. No lawn or other outside irrigation was developed or planned.

The diversion is a 2 inch pvc pipe in the creek. They have not constructed a dam or dike. The pvc sits in a small natural pool and requires priming to begin flowing. It does not run continuously for domestic use. The pipe runs a few hundred feet down an old skid road to the residence. No power is available on site. The applicant requests the use of the water for a small hydropower plant for electricity.

The creek was flowing approximately 0.3 cfs (135 gallons per minute) at the time of the field investigation. The creek bed is clear of vegetation and fast flowing. The creek has multiple 3 to 4 foot drops. The proposed bypass reach for the hydropower would be about 300 feet and the discharge would return to the creek. The bypass reach is entirely on the applicant's property. A small tributary stream converges with the creek downstream of the applicant's project. The creek eventually flows into the North Fork of Deep Creek.

## **Consideration of Comments**

The Department of Fish and Wildlife submitted comments on December 4, 2000 and November 15, 2001. The first recommendation was to deny the application due to the probability of fish resources present and conditions of habitat. They asked to hold the application pending field review. The second letter also recommends denial of the application due to resident downstream fish populations but recommended a 0.25 FS bypass flow. Additional requests to review the application and conduct site specific field investigation could not be accomplished. The Department of Fish and Wildlife confirmed their earlier comments requesting denial of the hydropower portion of the application to protect fish and habitat.

The Department of Fish and Wildlife also recommends the applicant obtain a Hydraulic Project Approval (HPA) and screening requirements would be determined at that time.

## **Water Availability**

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well. There is sufficient water for single domestic supply. Storage will probably be required.

Therefore, water for single domestic supply (including the garden) is available for appropriation.

## **Beneficial Use**

Single domestic supply (including garden irrigation) is a beneficial use.

Ten gallons per minute (0.02 cfs), ½ acre-foot per year should be sufficient for single domestic supply (including the garden).

## **Impairment Considerations**

A review of department records was conducted for existing water rights, permits, and claims within the vicinity of the proposed diversion.

There are no rights of record within the vicinity of the diversion. A pending water right application G3-30317 is requesting 0.01 cfs for in-house domestic use from an existing point of diversion 50 feet downstream of the applicant's diversion point. A recommendation to approve this application is pending. Sufficient water shall be bypassed at all times to maintain habitat in the stream.

## **Public Interest Considerations**

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation for domestic supply.

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values.

The approval of this application for this quantity and use will not be detrimental to the public interest.

## **Conclusions**

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that surface water is available for single domestic supply (including garden). The hydropower request is denied. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

## RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

### Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.02 cubic feet per second

0.5 acre-feet per year

Single domestic supply (including garden).

*Kevin Brown*

Kevin Brown, Report Writer

*1.8.15*

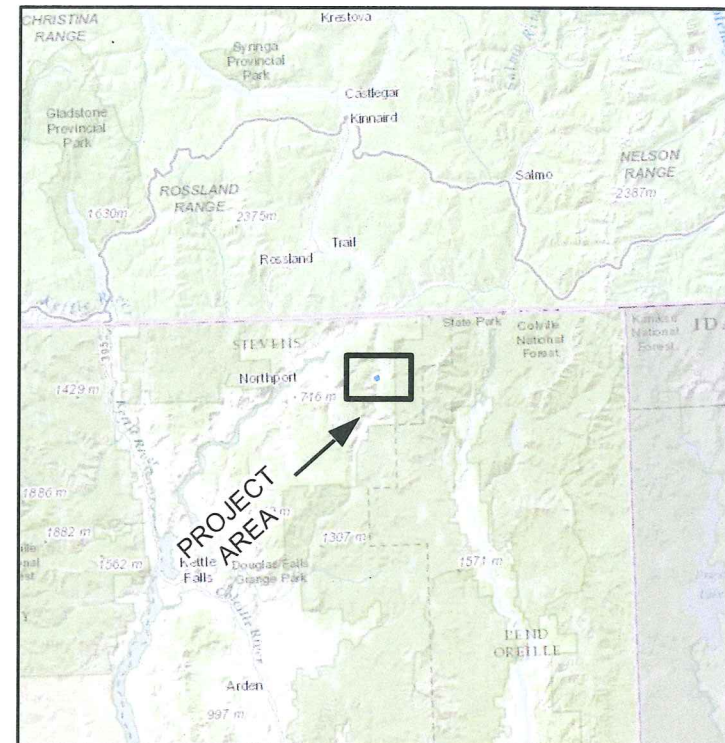
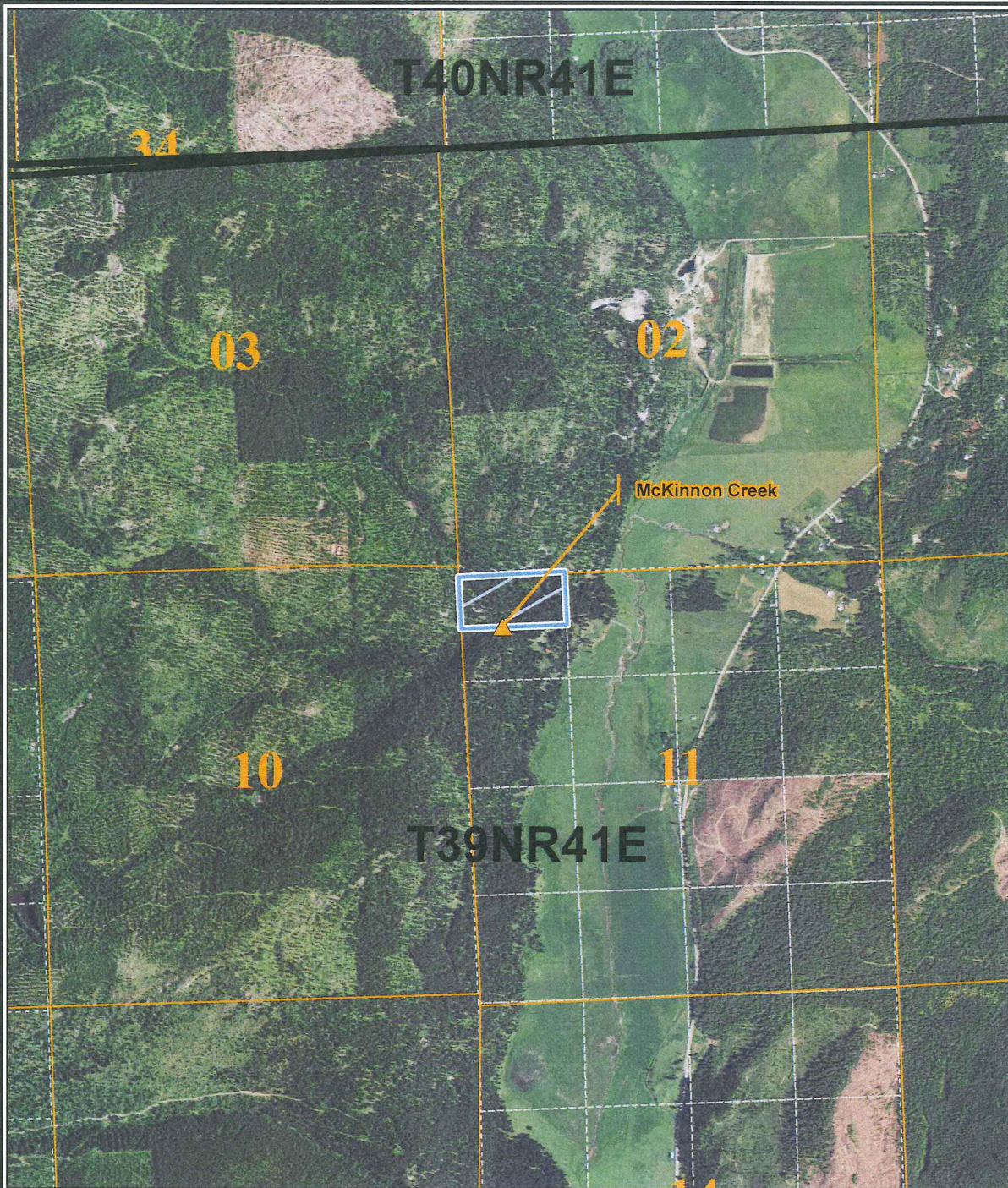
Date

*If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*





Cynthia Ream  
S3-30220  
T39N/R41E



Basemap - (ESRI US Topographic Maps)

**Legend**



Authorized Place of Use

Townships

Sections



Authorized Point of Diversion

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2013 1m color)



Map Date: 10/30/2014



**Comment:**

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.